

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1. ANITA BUSBY, an individual, )  
                                    )  
                                    )  
Plaintiff,                     )  
                                    )       Case No. 16-CV-00470-TCK-TLW  
v.                              )  
                                    )  
1. TULSA FEDERAL CREDIT UNION, )  
                                    )  
                                    )  
Defendant.                     )

**DEFENDANT TULSA FEDERAL CREDIT UNION'S NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441(a), Defendant, Tulsa Federal Credit Union (“TFCU”), files the following Notice of Removal and would show the Court as follows:

**I.**

An action was commenced by Plaintiff against TFCU in the District Court in and for Tulsa County, Oklahoma on April 20, 2016, and TFCU was served with a copy of the Summons and Petition on June 27, 2016. The action is entitled *Anita Busby, Plaintiff, v. Tulsa Federal Credit Union, Defendant*, Case No. CJ-2016-01512 (“State Court Action”). The following process, pleadings, and Orders have been served or filed in the State Court Action, and are attached: Exhibit 1 – Petition; Exhibit 2 – All remaining documents filed in the State Court Action, including the Docket Sheet.

**II.**

Contemporaneous with the filing of this Notice of Removal, TFCU is giving the Tulsa County District Court written notice of the same. *See* Notice of Removal of Action to Federal Court, attached as Exhibit 3.

### **III.**

This Court has jurisdiction over the State Court Action and removal is proper pursuant to 28 U.S.C. § 1441. This action involves a claim of alleged unlawful discrimination based on gender and age under 42 U.S.C. § 2000e, *et seq.* Under 28 U.S.C. § 1331, for civil actions arising under federal law, the Federal District Courts have original jurisdiction. Therefore, this Court has original jurisdiction over Plaintiff's claims asserted in this lawsuit.

### **IV.**

Plaintiff has also alleged a supplemental state law claim for intentional infliction of emotional distress. Under 28 U.S.C. § 1337(a), Federal District courts have “supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy.” This Court, therefore, has supplemental jurisdiction because her common law claim arises out of the same controversy as the original jurisdiction claim.

### **V.**

TFCU was served by certified mail with Summons and a copy of the Petition in the State Court action on June 27, 2016. See Exhibits 1 and 2. This Notice of Removal is being filed within thirty days after TFCU was served with process notifying it of the action pending in Tulsa County. The Notice of Removal is being filed within one year after commencement of the State Court Action. Therefore, removal of the State Court Action to this Court is timely and satisfies the requirements of 28 U.S.C. § 1446(b) and (c).

**VI.**

TFCU is the only named Defendant in this case, so there is no other Defendant from whom it would be necessary for TFCU to obtain consent for this removal.

**VII.**

For these reasons, TFCU requests that the above-styled action pending in the District Court of Tulsa County, Oklahoma, be removed to the United States District Court for the Northern District of Oklahoma.

Respectfully submitted,

/s/Denelda Richardson

Denelda Richardson, OBA #20103

Troy J. McPherson, OBA #32071

RHODES HIERONYMUS JONES TUCKER & GABLE, PLLC

P. O. Box 21100

Tulsa, OK 74121-1100

918-582-1173 (Telephone)

918-592-3390 (Facsimile)

***Attorneys for Defendant, Tulsa Federal Credit Union.***

**CERTIFICATE OF SERVICE**

I hereby certify that on the 18th of July, 2016, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

David A. Warta

***Attorney for Plaintiff***

/s/Denelda Richardson

Denelda Richardson